



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|------------------------|------------------|
| 10/685,850 | 10/15/2003 | Henri-Charles Deborde | 790_019 | 8438 |
| 25191 | 7590 | 10/24/2006 | EXAMINER | |
| Burr & Brown PO BOX 7068 SYRACUSE, NY 13261-7068 | | | VANAMAN, FRANK BENNETT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3618 | |

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/685,850 | Applicant(s) DEBORDE ET AL. | |
| | Examiner Frank Vanaman | Art Unit 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Application

1. Applicant's amendment, filed July 28, 2006, has been entered in the application. Claims 1 and 4-6 remain pending.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fagot et al. (FR 2,720,288). Fagot et al. teach a gliding board (figs. 22-31) having a gliding surface (6) terminating in at least one upwardly raised front end (4), comprising a longitudinally symmetrical arrangement, the end having a peripheral zone (14) and relatively thicker central (7) zone, the peripheral zone extending from the ski sides to an inflection point (e.g., intersection of 13, 14), the upper face of the peripheral zone being substantially parallel to the gliding surface (see figures 26, 27), the width of the peripheral zone continuously increasing from a starting point (proximate figure legend, figure 22) to the highest point of the end, the discontinuity having a vertex at its highest point (front of 4) positioned at substantially a center longitudinal position of the board.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fagot et al. in view of Emig (US 5,788,259, cited previously). The reference to Fagot et al. is discussed above and fails to teach the provision of edges having an interruption at an intermediate point within the end, and the width of the peripheral zone being more than 5mm at that point. Emig teaches a ski having a peripheral zone and a central zone, further including edges (6, 7) which are interrupted at a position in the front region of the ski proximate a portion of the combined peripheral and central zones (see figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to

provide the ski taught by Fagot et al. with edges as taught by Emig for the purpose of enhancing the turning and guiding capabilities of the ski. As regards the peripheral zone width at the interruptions, when general conditions are disclosed in the prior art, it is not deemed to be beyond the skill of the ordinary practitioner to adjust the degree of the condition to optimize an operative function or adjust a characteristic. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the width of the peripheral zone at the region of the end (i.e., interruption) of the guide edges at an amount greater than 5 mm in order to increase the flexibility of the board edges (compared to the flexibility of the board at the central zone).

Response to Comments

6. Applicant's comments, filed with the amendment, have been carefully considered. Applicant's comments directed to the unsuitability of the reference to Emig, as regards the weakness of the taught end section, are noted, however the reference to Emig is understood to be operative and as such appears suitable for its intended use. As applied against the previously pending claims, it taught the structural limitations which were previously recited by applicant. As regards the claims as amended, the examiner agrees that Emig does not teach each and every limitation as now set forth. Note the reference to Fagot et al., now applied directly in response to applicant's amendment.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3618

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



10/5/06